

Court No. - 18

Case :- MATTERS UNDER ARTICLE 227 No. - 5833 of 2023

Petitioner :- Ayub Khan And Others

Respondent :- Additional Commissioner, Judicial 2nd, Lucknow Division, Lko. And Others

Counsel for Petitioner :- Ajaib Kumar Mishra, Kapil Dev Chaubey

Counsel for Respondent :- C.S.C., Dilip Kumar Pandey

Hon'ble Saurabh Lavania, J.

Heard.

In view of order proposed to be passed, issuance of notice to the private-respondent(s) is hereby dispensed with.

The present petition has been filed for the following main relief:-

"(i) Direct the opp. party no. 1 i.e. the Additional Commissioner, Judicial 2nd Lucknow Division, Lucknow to consider and decide the Stay Application dated 25/27-7-2023 of the petitioners filed in Appeal No. C202310000001668 under Section 24(4) of U.P. Revenue Code, 2006, District Lakhimpur Kheri "Ayub Khan and others versus Mugees and others", as contained in Annexure No. 1 to this Petition, expeditiously."

Submission of learned Counsel for the petitioners is to the effect that appeal preferred by the petitioners under Section 24(4) of U.P. Revenue Code 2006 (in short 'Code of 2006') registered as Appeal No. C202310000001668 (Ayub Khan and others versus Mugees and others) and the same was admitted on 14.07.2023, however, the appellate authority has not passed the order on the application seeking interim protection till date, as such the present petition, for expeditious disposal of the same.

In view of above, the instant petition is disposed of with a direction to the respondent no.1/Additional Commissioner, Judicial 2nd Lucknow Division, Lucknow to consider and dispose of the application seeking interim protection within a period of two months from the next date fixed in the matter, after providing proper opportunity of hearing to the parties to the litigation, if there is no other legal impediment in this regard. For conducting the proceedings in the time specified, unnecessary adjournments be avoided.

It is also expected that authority concerned shall also conclude and decide the appeal expeditiously in terms of Rule **183(4) of the U.P. Revenue Code Rules, 2016 made under U.P. Revenue Code, 2006 read with para 458(2) of U.P. Revenue Court Manual.**

It is made clear that the Court has not examined the case of either of the parties on merits and the authority concerned shall be free to decide the matter strictly in accordance with law.

With the aforesaid observations, the petition is **disposed of.**

Order Date :- 9.11.2023

Jyoti/-